

REMARKS

This Amendment and Response amends Figure 15e and claims 1 and 14 and adds new claims 64-66. A petition for a time extension is also enclosed. With this Amendment and Response, claims 1-66 are pending in this application. A check in the amount of \$1,176 is included to cover the \$226 fee for additional claims and \$950 requisite fee for three month time extension. No further fees are believed due; however, the Patent Office is authorized to debit deposit account 11-0855 if it determines otherwise.

I. Drawings

Amended Figure 15e (along with Figures 15d and 15f which also appear on the drawing sheet) is provided behind Tab 1. Two copies of the drawing sheet are provided – a clean copy of the amended drawing sheet that includes Figure 15e as amended and a marked copy of the original drawing sheet indicating in red the changes to original Figure 15e, as reflected in amended Figure 15e. When responding to this Action, it became apparent that Figure 15e inaccurately depicts the invention. The specification makes clear that positioning member 11 is “fixedly connected” to body 166. Para. 0114. The specification explains with respect to Figure 15e that “in the event of displacement of the device in the direction indicated by arrow 208 along a gear rack 210 which is arranged stationery and is provided with teeth which engage on the teeth of the gearwheel 168, the gearwheel 168, and therefore also the body 166, will rotate about a vertical axis 212” Para. 0122. Because the positioning member 11 is fixedly connected to body 166, it too must rotate about the vertical axis upon engagement of the gearwheel 168 with gear rack 210. Such rotation is not possible if the positioning member 11 is engaged in guide slots 204 of guide rail 205. Thus, Figure

15e has been amended to accurately depict that the positioning member 11 is not engaged in guide slots 204 during rotation. Applicants' Assignee maintains that such an amendment does not introduce new matter, but merely amends Figure 15e to conform with the written description.

II. Specification

The Action objects to the Specification for failing to provide antecedent basis for the claimed subject matter. Action, p. 2. In particular, the Action maintains that the terms "first body, second body, first actuating device, second actuating device, first locking device, second locking device, crankshaft mechanism, actuating protrusion, first crank, second crank, third actuating device, [and] third locking device do not appear in the specification as directed towards the elected species X." Applicants' Assignee respectfully disagrees and requests withdrawal of this objection.

The terms "first body, second body, first actuating device, second actuating device, first locking device, second locking device, crankshaft mechanism, actuating protrusion, first crank, second crank, third actuating device, and third locking device" appear throughout the Summary of the Invention section of the specification. Thus, the undersigned attorney interprets the Action as objecting to these terms because they are not explicitly associated with the Species X embodiment (as opposed to not used at all).

The Summary of the Invention section is intended to do just that – broadly summarize the invention sought to be claimed. While the Description of the Preferred Embodiments describes in detail numerous embodiments of the invention, the Summary of the Invention section broadly identifies features common to all such embodiments:

a conveyor which can move along a path; a *first body* which is connected to the conveyor in such a manner that it can rotate about a first axis; a *second body* which is connected to the first body in such a manner that it can rotate about a second axis; *first actuating means* for setting various first angular positions of the first body with respect to the first axis; *second actuating means* for setting various second angular positions of the second body with respect to the second axis; and *locking means* for fixing the first and/or second angular positions.

The Summary of the Invention uses broad terminology for these features because the exact form of such features may differ in each embodiment.

The Summary of the Invention section then proceeds to highlight preferred embodiments of the invention using this terminology. First and second locking devices, which can be used with any of the embodiments, are discussed at length in Paragraphs 0020 and 0021 as are a “third actuating device” and “third locking device” at Paragraph 0040. Furthermore, Paragraphs 0029-0035 are clearly directed to at least the embodiment disclosed in elected Species X and describe such embodiment using the above-referenced terms, as well as “crankshaft mechanism,” “first crank,” “second crank,” and “actuating protrusion” (see Paragraphs 0033-0035). Thus, the Action is mistaken that such terms are not used “towards the elected species X.”

The Description of the Preferred Embodiments then proceeds to describe numerous embodiments of the invention. While the Description of the Preferred Embodiments does not, for the most part, use the identical terminology as the Summary of the Invention uses to describe the embodiment of Species X, one of ordinary skill in the art, having read the complete specification, would easily understand which of the features of Species X described in the Description of the Preferred Embodiments correspond to “first body, second body, first actuating device, second actuating device, first locking device, second locking device,

crankshaft mechanism, actuating protrusion, first crank, second crank, third actuating device, [and] third locking device” used to describe Species X in the Summary of the Invention.

For example, the Summary of the Invention describes a first body having a gearwheel and a first actuating device that includes “at least one toothed structure engaging the gearwheel.” Para. 0032. The Description of the Preferred Embodiments, when describing an embodiment of Species X, teaches a body 166 that includes a gearwheel 168 which engages a gear rack 210. Paras. 0114, 0121-0124.

The Summary of the Invention also describes a second body that is connected to the first body (para. 0017) and that can support a slaughter product (para. 0022). The Description of the Preferred Embodiments Invention, when describing an embodiment of Species X, then discloses a carrier 160 that is connected to body 166 (the “first body”) and that supports a bird product (see, e.g., Figures 23-29).

The Summary of the Invention also describes a second actuating device that includes structure to control the movement of a crankshaft having a first and a second crank, each provided preferably but not necessarily with two actuating protrusions, “so that a rectilinear movement of an actuating means can easily be converted into a rotary movement of the second body about the second axis.” Para. 0033. The Description of the Preferred Embodiments, when describing an embodiment of Species X, teaches a crankshaft mechanism which includes two cranks, arms 184 and 186, that control rotary movement of carrier 160. Para. 0116-0119. The movement of each of arms 184, 186 is controlled by interaction of two protrusions, wheels 176a-176d, and guide rail 200. Paras. 0116-0119; 0126-0128.

Moreover, the Summary of the Invention teaches a first locking means for fixing the angular position of the first body and second locking means for fixing the angular position of the second body. It teaches that the locking means can work by “causing the action of the actuating means to endure after a specific angular position has been reached, in order to fix this angular position.” Para. 0020; *see also* Para. 0021 (“the first or second locking means may be arranged along the path of the conveyor in order to fix any angular position which is reached, for example by providing support for the first or second body at one or more suitable points.”). Thus, the first and second locking means can merely be structure that retains the first and second body, respectively, in a particular angular position. The Description of the Preferred Embodiments, when describing an embodiment of Species X, teaches retention of the angular orientation of body 166 (the first body) when positioning member 11 is engaged in guide slots 204 of guide rails 200, as best seen in Figure 14. When so positioned, positioning member 11, along with the first body 166 to which positioning member 11 is “fixedly connected” (Para. 0114), cannot rotate and is therefore locked in its angular position. Moreover, the specification also clearly illustrates (see Figures 16 and 17) that retention of the bottom side 206 of guide rail 200 at a constant level will prevent protrusions 176 a-d from moving up or down and consequently retain carrier 160 in a fixed angular position.

Finally, the Summary of the Invention explains that “in a preferred embodiment third actuating means are provided for setting various third angular positions of the second body with respect to a third axis, and third locking means are provided for fixing the third angular position.” Para. 0040. The Description of the Preferred Embodiments, when describing an

embodiment of Species X, then explains that “a universal joint may be incorporated in the connection between the coupling yoke 10 and the elements situated below it, so that these elements can orient themselves freely as directed by the force of gravity, in particular if the rail is oriented not horizontally, but rather sloping upwards or downwards. Naturally, if the said universal joint is used, the said elements can also be placed in a defined inclined position with respect to the coupling yoke 10, by means of a guide or the like situated in the path of these elements, in order to facilitate an operation to be carried out on a slaughter product or in fact to avoid this operation.” Para. 0115. Thus, the Specification teaches using, in addition to a rack 210 that engages gearwheel 168 to rotate body 166 (a first actuating means) and rails 200 that control movement of protrusions 176a-d to rotate carrier 160 (a second actuating means), a universal joint to allow the body 166 and carrier 160 (among other elements) to rotate freely about an axis defined by the joint. Such rotation could be entirely dependent upon the gravitational pull or, as the Specification makes clear, could be fixed by a guide (i.e., a third actuating device). The guide may also be used to retain the body 166 and carrier 160 (among other elements) in a third angular position and thus serve as a third locking device as well.

Thus, contrary to the Action’s allegation, the terms “first body, second body, first actuating device, second actuating device, first locking device, second locking device, crankshaft mechanism, actuating protrusion, first crank, second crank, third actuating device, [and] third locking device” are described and illustrated clearly in the Specification as being directed to elected Species X. Applicants’ Assignee respectfully requests that the objection to the Specification therefore be withdrawn.

III. 35 U.S.C. § 112 Rejections

The Action rejects claims 1-11, 13-23, 25-35, 51, 52, and 58-63 under 35 U.S.C. § 112 as being indefinite because “Applicants use terminology that does not appear in the specification, such that, one of ordinary skill in the art would not understand which elements of the claimed invention the Applicants are referring to.” Action, p. 2. Applicants’ Assignee respectfully traverses this rejection and requests that it be withdrawn.

The undersigned attorney can only surmise that this rejection relates to the Action’s prior objection that the terms “first body, second body, first actuating device, second actuating device, first locking device, second locking device, crankshaft mechanism, actuating protrusion, first crank, second crank, third actuating device, and third locking device” are not linked to the embodiment of Species X. However, as demonstrated in Section I above, the Specification uses these claim terms in describing the embodiment of Species X in the Summary of the Invention. For at least this reason, the rejection of claims 1-11, 13-23, 25-35, 51, 52, and 58-63 under 35 U.S.C. § 112 should be withdrawn.

Moreover, as also discussed above, the Description of the Preferred Embodiments describes the features of the Species X embodiment in a way that one of ordinary skill in the art would clearly understand to which claim terms the described features correspond. This is especially true given the disclosure and description of the claim terms in the Summary of the Invention. Thus, for this additional reason, this rejection should be withdrawn.

IV. 35 U.S.C. § 102 Rejections

The Action rejects claims 1-11, 13-23, 25-35, 51, 52, and 58-63 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,179,701 to Tieleman. The Action fails entirely

RESPONSE TO OFFICE ACTION AND PETITION FOR EXTENSION OF TIME
U.S. APPLICATION NO.: 10/015,338

to analogize the features of the Tieleman device to the structure recited in the claims, and thus applicants are unfairly left to guess at the Examiner's rationale for these rejections. Regardless, Tieleman, properly interpreted, does not disclose the recited features of independent claims 1 and 14 and thus does not anticipate these claims or claims 2-11 and 13 and claims 15-23, 25-35, 51, 52, and 58-63, which respectively depend from these independent claims.

Tieleman discloses an overhead conveyor system that includes a track 2 along which moves a number of suspension hooks 4. The suspension hooks 4 include brackets 6 for holding the slaughter product and a bar 8 onto which are positioned a rotation bush 12 and a guide bush 14 which can move along bar 8. The top of the bar 8 is attached to a cross-shaped disc 10 which includes a cylindrical housing 26 provided with recesses 28 (Figure 5). The guide bush 14 is attached to a hinge pin 16 which interacts with two trolleys 18 which ride along the track 2 to move suspension hooks 4 along the track 2. The hinge pin 16 is designed to fit within recesses 28 to thereby prevent rotation of suspension hook 4 (see Figure 5).

The suspension hook 4 can be rotated by disengaging the hinge pin 16 from the recesses 28 of disc 10. This is done using ramp 30 which causes disc 10 to move upwardly over the ramp and thereby disengage from the hinge pin 16. Contact tracks 32, provided on each side of guide bush 12, then contact twisted guide bush 12, which causes the brackets 6, bar 8, disc 10, and rotation bush 12 to rotate about a vertical axis.

The suspension hook 4 can also swing outwardly as shown in Figure 2. This is accomplished by use of a guide track 34 and a switching element 36 (see Figure 3). When

the switching element 36 is in a first position, it diverts the suspension hook 4 from the path which transports the suspension hooks 4 with birds past the processing station. Rather, the suspension hook 4 is forced to move along the slope of the switching element 36 to the guide track 34, which retains the hook 4 outside the processing range of the cutting machines. The suspension hook 4 is able to move along the slope of the switching element 36 by pivoting outwardly about hinge pin 16, as shown in Figure 2. When the switching element is in a second position, it does not obstruct the pathway of the suspension hook 4 and therefore the hook 4 is free to progress past the cutting machines.

Claims 1 and 14 both recite a first body connected to a conveyor so that it can rotate about a first axis. The only structure in the Tieleman device arguably connected to a conveyor is guide bush 14, which is arguably connected via hinge pin 16 to track 2. Guide bush 14 only rotates about the hinge pin 16 (when suspension hook 4 swings outwardly as shown in Figure 2) and thus the hinge pin 16 arguably defines the only possible “first axis.” Claims 1 and 14 also recite a first actuating device and first actuating means, respectively, for positioning the first body in various first angular positions with respect to the first axis. As described above, switching element 36 causes the suspension hook 4, along with guide bush 14 (the only arguable “first body”), to rotate about hinge pin 16, and thus switching element 36 is the only arguable first actuating means or first actuating device.

Claims 1 and 14 both also recite a second body connected to the first body so that it can rotate about a second axis. The only other rotation that occurs with the Tieleman device is rotation about the vertical axis of the device by bar 8, disc 10, and rotation bush 12. Thus, bar 8, disc 10, and guide bush 12 is the only structure arguably analogized to the second

body (because it is the only structure that rotates about the vertical axis), and the vertical axis of the device is the only axis of rotation that can arguably be the “second axis.”

Claims 1 and 14 also recite a second actuating device and second actuating means, respectively, for positioning the second body in various second angular positions that are independent of the first angular positions of the first body. In short, claims 1 and 14 recite that the angular positions of the second body (in this case bar 8, disc 10, and rotation bush 12) be independent of the angular positions of the first body (in this case guide bush 14). Such independent positioning is not taught or suggested by Tielemans but rather is an impossibility with the Tielemans device.

As explained above, to position bar 8, disc 10, and rotation bush 12 in multiple angular positions relative to the vertical axis, contact tracks 32 contact twisted guide bush 12, which causes bar 8, disc 10, and rotation bush 12 to rotate about the vertical axis. Thus, contact tracks 32 are the only arguable second actuating device or second actuating means. However, the angular position of bar 8, disc 10, and rotation bush 12 is not independent of the position of the guide bush 14. Rather, only when the guide bush 14 (arguably the first body) is angularly oriented so that the rotation bush 12 (arguably part of the second body) aligns with and can be fed between the two contact tracks 32 will the angular position of bar 8, disc 10, and rotation bush 12 relative to the vertical axis change. Unless the first body is in a predetermined angular position, rotation of the second body cannot be effectuated. If the angular position of the first body is altered, the rotation bush 12 will no longer align with the contact tracks 32 and thus will not be guided between the contact tracks 12 to cause rotation

of the second body. Thus, the second angular positions are entirely dependent on the position of the first body.

Moreover, claims 1 and 14 respectively recite a slaughter product fixing device and a slaughter product fixing means for *fixedly* connecting the slaughter product or portion thereof to the second body. Brackets 6 of Tieleman 6 support the slaughter product (as seen in Figure 1) and thus arguably connect the slaughter product or portion thereof to the second body (the bar 8, disc 10, and rotation bush 12). However, brackets 6 do not fixedly connect the slaughter product in a position. Rather, the slaughter product, while suspended from the brackets 6, is otherwise free to move. Thus, Tieleman fails to teach at least: 1) a second actuating device or means for positioning the second body in multiple angular positions independent of the angular positions of the first body; and 2) a slaughter product fixing device or means for *fixedly* connecting the slaughter product. For at least this reason, Tieleman fails to anticipate claims 1 and 14, and these claims, as well as claims 2-11 and 13 and claims 15-23, 25-35, 51, 52, and 58-63 which respectively depend from these independent claims, are allowable.

V. New Claims

New claims 64-66 have been added and are fully supported by the specification. A first body capable of rotating 360° about an axis is disclosed in Paragraph 0124. A second body capable of rotating at least 180° about an axis is disclosed in Paragraphs 0118 and 0126-0128 and in Figures 12a, 12b, 13a, 13b, 16, and 17. A coupling yoke is discussed at Paragraph 0114 and illustrated in Figure 10.

RESPONSE TO OFFICE ACTION AND PETITION FOR EXTENSION OF TIME
U.S. APPLICATION NO.: 10/015,338

New claims 65 and 66 also recite first and second actuating elements connected to the first and second bodies, respectively. A first actuating element connected to the first body is supported by the specification at Paragraphs 0121-0125, which disclose a gear wheel 168 used to rotate body 166 and thereby position the first body in multiple first angular positions with respect to an axis. A second actuating element connected to the second body is supported by the specification at Paragraph 0116, which discloses wheels 176a-d which are connected via arms 184 and 186 to carrier 160 and are used to rotate carrier 160 and thereby position the second body in multiple second angular positions with respect to an axis.